

REMARKS

Claims 1, 8, 10, 11 and 51 have been amended. Claims 1-88 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Declaration:

The Examiner asserts that the Declaration is defective because the priority claim to provisional application 60/286,407 appears to be defective. The reference to provisional application 60/286,407 (instead of 60/295,119) in the Declaration was a typographical error. However, such a typographical error does not make the Declaration defective. In fact, there is no requirement for priority claims to provisional applications to even appear in the Declaration. Applicants assert that all of the requirements for a proper Declaration as stated in 37 CFR 1.63 and MPEP 602 have been met.

Section 121 Restriction:

Applicants maintain their traversal of the Examiner's restriction requirement. A Petition Under 37 CFR 1.144 has been submitted to petition for removal of the Examiner's restriction requirement on the grounds that the Examiner has failed to state a complete *prima facie* case for restriction.

Section 101 Rejection:

The Examiner rejected claims 73-88 under 35 U.S.C. § 101 because the language of the claimed subject matter "carrier medium" has incorporated tangible "transmission media or signals such as electrical, electromagnetic, or digital signals, conveyed via a communication medium such as network and/or a wireless link". The Examiner appears to have overlooked the fact that claims 73-88 were amended in the amendment filed on

July 15, 2005 to recite a “tangible computer readable medium” instead of a “carrier medium”. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Objections:

The Examiner objected to claims 1-17 and 51-61 because the term “the high-level function call” in claims 1, 8, and 10-11 and the term “the high-level function” in claims 51-52 and 57 lack antecedent basis. Claims 1, 8, 10, 11 and 51 have been amended to correct the obvious clerical errors in wording. Applicants assert that the scope of the claims is unaffected and the amendments are not made of any reason of patentability since only obvious clerical errors in wording are being corrected.

Section 102(a) Rejection:

The Examiner rejected claims 18, 30-33, 35, 51, 58-61, 73, 83-86 and 88 under 35 U.S.C. § 102(a) as being anticipated by Applicants’ admitted prior art (AAPA). Applicants’ traverse this rejection for at least the following reasons.

In regard to claim 18, contrary to the Examiner’s assertion, AAPA does not teach a container mapping a high-level function call from an application to a series of low-level function calls to the external system, and the container driving a connector to the external system to make the series of low-level function calls to the external system. The Examiner refers to p. 2, lines 18-23 of the specification. This portion of the specifications states:

A connector is a low-level protocol bridge to a specific EIS. A J2EE CA-compliant connector that chooses to implement CCI exposes only this basic ‘protocol-level’ functionality to the caller. The connector functionality is semantically equivalent to the functionality of the low-level client library that will typically be embedded inside the connector. (emphasis added).

This portion of the specification clearly states that the J2EE CA connector typically only exposes low-level functionality. This portion of the specification says nothing about the

container mapping a high-level function call to a series of low-level function calls to the external system, and the container driving a connector to the external system to make the series of low-level function calls. Also, note p. 3, lines 1-2: “As such CCI by itself exposes no semantics relating to high-level functions which may be explicitly/implicitly defined on the EIS.” (emphasis added). Also note p. 3, lines 8-11: “**The J2EE CA framework provides no means for the application developer to define/declare, discover, or introspect high-level functions as callable entities which map to a sequence of low-level calls to the specific EIS connector.**” (emphasis added). Thus, the AAPA expressly teaches away from the claimed invention.

The Examiner also refers to p. 2, lines 24-29 of the specification. However, this portion of the specification is not admitted prior art as to the functionality of J2EE CA connectors. Instead, this portion of the specification is describing problems that the inventors have recognized when trying to implement high-level functions using J2EE CA connectors (note on p. 2, line 29: “thereby multiplying the problem outlined in above.”). Therefore, the Examiner reliance on p. 2, lines 24-29 is improper.

The Examiner also seems to be relying upon the mention on p. 3 of the specification of hardcoding a high-level function in a connector. However, hardcoding a high-level function in a connector specifically teaches away from mapping a high-level function call in the container and the container driving the connector to make the corresponding series of low-level function calls. If a high-level function is hardcoded in a connector, then the application calls that function directly in the connector. In other words, the container does not map the high-level function call to a series of low-level calls and then drive the connector to perform the series of low-level calls. Instead, if a high-level function is hardcoded in a connector, the application just directly calls the high-level function in the connector. **Thus, the description of hardcoding a high-level function in a connector teaches exactly the opposite of what is recited in claim 18.**

For at least the reasons shown above, AAPA does not anticipate claim 18. Similar arguments apply in regard to independent claims 51 and 73.

Section 103(a) Rejections:

The Examiner rejected claims 26, 34, 79 and 87 under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Sharma, et al. (JSR016: J2EE Connector Architecture Specification) (hereinafter “Sharma”). Applicants traverse this rejection for at least the same reasons given above in regard to claim 18. Sharma does not overcome any of the deficiencies of AAPA noted above in regard to claim 18. In fact, the J2EE Connector Architecture Specification by Sharma, as discussed in Applicants’ specification, provides a connector to only the low-level functions of the EIS. The J2EE CA specification (Sharma) does not create a design space for modeling high-level functions for a J2EE CA connector.

The Examiner rejects claim 75 under 35 U.S.C. § 103(a) as being unpatentable over AAPA. The Examiner states that “it is well known in the art of programming to provide description information (i.e. metadata) regarding how to call or select from a list of high-level functions or provide ‘usage’ of each function.” However, claim 75 does not recite providing description information regarding how to call or select from a list of high-level functions or provide ‘usage’ of each function. Instead, claim 75 recites “including metadata describing a plurality of high-level functions of the external system in a metadata repository.” The Examiner has not addressed the specific limitations of claim 75. Therefore, the rejection is improper. Furthermore, Applicants traverse the Examiner’s statement. Applicants assert that it is not well known to include metadata describing a plurality of high-level functions of the external system in a metadata repository, especially when consider in combination with the other elements of Applicants’ invention as recited in claim 73. As the Court of Appeals for the Federal Circuit recently explained in *In re Sang Su Lee*, Docket No. 00-1158 (Fed. Cir. January 18, 2002), conclusory statements such as those provided by the Examiner that a claim limitation is well known or common knowledge do not fulfill the Examiner's obligation. “Deficiencies of the cited references cannot be remedied by the [Examiner’s] general conclusions about what is ‘basic knowledge’ or ‘common sense.’” *In re Zurko*, 59

USPQ2d 1693, 1697 (Fed. Cir. 2001). “Common knowledge and common sense ... do not substitute for authority.” *In re Sang Su Lee*. Common knowledge “does not in and of itself make it so” absent evidence of such knowledge. *Smiths Industries Medical Systems, Inc. v. Vital Signs, Inc.*, 51 USPQ2d 1415, 1421 (Fed. Cir. 1999).

In regard to claim 75 the Examiner also states that “[i]t would have been obvious ... to provide necessary metadata information for the application programmers of AAPA’s J2EE framework because the information provides the application programmers useful hints as how to call the high-level function from an application component, even though the high-level functions are hard-coded on the connector.” The statement by the Examiner is completely unsupported by any cited art. There is no teaching of any “necessary metadata information” in AAPA. This statement by the Examiner appears to be pure hindsight-based speculation by the Examiner, and thus improper.

In regard to the rejections under both sections 102 & 103, Applicants also assert that the rejection of numerous ones of the dependent claims is further unsupported by the teachings of the cited art. However, since the rejection of the independent claims has been shown to be improper, a further discussion of the rejection of the dependent claims is not necessary at this time.

Allowable Subject Matter:

Claims 19-25, 27-29, 52-57, 74, 76-78 and 80-82 were objected to as being dependent upon a rejected base claim but otherwise allowable if rewritten in independent form. In light of the above remarks, Applicants assert that claims 19-25, 27-29, 52-57, 74, 76-78 and 80-82 are allowable as currently pending.

Allowed Claims:

Claims 1-17 have been allowed.

CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-92801/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,



Robert C. Kowert
Reg. No. 39,255
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

Date: December 20, 2005